

PATENT APPLICATION  
Serial Number: 09/960,668  
Attorney Docket Number: SYN 1780

### REMARKS

Applicants hereby submits this Preliminary Amendment B and Response to Restriction/Election Requirement, responsive to the Office Action—Date Mailed: April 21, 2005, Paper No. 1, for which a response is due May 21, 2005 by a shortened statutory period for reply set to expire one [1] month from the mailing date of the Office Action. This response is hereby extended one [1] month by Petition for Extension of Time Under 37 CFR 1.136(a).

Claims 1-65 are currently pending in the application. Claims 1-65 are subject to restriction and/or election. Claims 1, 2, 4, 6, 10, 12-18, 20, 21, 24-31, 33-50, and 52- 57 are original. Claims 3, 5, 7, 8, 19, 22, 23, 32, 51 and 58-65 were previously amended. Claims 9 and 11 are currently amended.

Applicant wishes to thank Examiner Pascal for her telephone interview regarding the present application on May 24, 2005.

By this Response to Restriction/Election requirement, Applicants elect with traverse Species VIII which corresponds to Figure 14. The claims that read on this embodiment are Claims 1-65.

In the above-referenced telephone interview with Examiner Pascal, Attorney for Applicants, David Sitrick, was instructed by Examiner to further elect one of six subspecies drawn to the alignment subsystem, one of five subspecies drawn to the wavelength conversion subsystem and one of two subspecies drawn to the optical cross connect subsystem as listed with corresponding figures in the Office Action—Date Mailed: April 21, 2005. Applicants elect with traverse Subspecies D which corresponds to Figure 30, Subspecies H which corresponds to Figure 15A and Subspecies L which corresponds to Figure 19B.

Applicants have hereby amended Claims 9 and 11 to strike the language "consists of" which is replaced by "is further comprised of." However, this amendment of Claims 9 and 11 is not made responsive to any objections or rejections referred to in the afore-mentioned Office Action. In the above-referenced telephone interview, Examiner Pascal acknowledged that the objections and rejections of various claims based upon the language of "consisting of" were improper and technically incorrect.

In the above-referenced telephone interview with Examiner Pascal, Attorney for Applicants, David Sitrick, was instructed by Examiner that she would accept the elections of the

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afore-mentioned species and subspecies as fully responsive to the Office Action—Date Mailed: April 21, 2005. Examiner Pascal also stated that she will call Attorney for Applicants to address all other matters in said Office Action “in stages.” All other matters included in the afore-mentioned Office Action—not specifically herein addressed; yet to be formally addressed—were discussed by Examiner and Attorney for Applicants during above-referenced telephone interview and were respectfully submitted as misstatements, improper and without merit by Attorney for Applicants. Examiner Pascal stated that she would review these and all matters, and that she will contact Attorney for Applicants prior to specifying claims and issuing any subsequent Office Action. Again, Applicants wish to thank Examiner Pascal for her time and reconsideration.

Applicants respectfully submit that any and all restrictions, objections and rejections are hereby traversed and overcome, and the application is in proper form for allowance. A Notice of Allowance or Allowability is respectfully requested.

The Director is hereby authorized to charge any additional fees and credit any overpayments during the pendency of this application to Sitrick & Sitrick's Deposit Account Number: 501166. An additional fee for a one-month extension of time for response is due and is hereby paid via Sitrick & Sitrick's Deposit Account Number: 501166.

No new matter has been added. Reconsideration is respectfully requested.

The Examiner is invited to directly communicate with the undersigned, if it will in any way facilitate the prosecution of the application.

Respectfully submitted,



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June 10, 2005

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